

## Colorado

**SOURCE:** Colorado Department of Public Health and Environment, Department Regulations, Water Quality Control Commission, Surface Water Quality Classifications & Standards, Regulation 31- Basic Standards & Methodologies for Surface Water, amended effective October 30, 2001:

<http://www.cdphe.state.co.us/op/regs/100231.pdf> and <http://www.cdphe.state.co.us/wq/wqhom.html>

### **31.5 DEFINITIONS**

(8) "COLD WATER BIOTA" means aquatic life, including trout, normally found in waters where the summer temperature does not often exceed 20° C.

(32)"WARM WATER BIOTA" means aquatic life normally found in waters where the summer temperature frequently exceeds 20° C.

### **31.11 BASIC STANDARDS APPLICABLE TO SURFACE WATERS OF THE STATE**

All surface waters of the state are subject to the following basic standards; however, discharge of substances regulated by permits which are within those permit limitations shall not be a basis for enforcement proceedings under these basic standards:

- (1) Except where authorized by permits, BMP's, 401 certifications, or plans of operation approved by the Division or other applicable agencies, state surface waters shall be free from substances attributable to human-caused point source or nonpoint source discharge in amounts, concentrations or combinations

which:

- (a) for all surface waters of the state except wetlands;
  - (v) are harmful to the beneficial uses or toxic to humans, animals, plants, or aquatic life; or
  - (vi) produce a predominance of undesirable aquatic life;
- (b) for surface waters in wetlands;
  - (ii) are toxic to humans, animals, plants, or aquatic life of the wetland.

### **31.13 STATE USE CLASSIFICATIONS**

- (c) Aquatic Life

These surface waters presently support aquatic life uses as described below, or such uses may reasonably be expected in the future due to the suitability of present conditions, or the waters are intended to become suitable for such uses as a goal:

  - (i) Class I - Cold Water Aquatic Life

These are waters that (1) currently are capable of sustaining a wide variety of cold water biota, including sensitive species, or (2) could sustain such biota but for correctable water quality conditions. Waters shall be considered capable of sustaining such biota where physical habitat, water flows or levels, and water quality conditions result in no substantial impairment of the abundance and diversity of species.
  - (ii) Class 1 - Warm Water Aquatic Life

These are waters that (1) currently are capable of sustaining a wide variety of warm water biota, including sensitive species, or (2) could sustain such biota but for correctable water quality conditions. Waters shall be considered capable of sustaining such biota where physical habitat, water flows or levels, and water quality conditions result in no substantial impairment of the abundance and diversity of species.
  - (iii) Class 2- Cold and Warm Water Aquatic Life

These are waters that are not capable of sustaining a wide variety of cold or warm water biota, including sensitive species, due to physical habitat, water flows or levels, or uncorrectable water quality conditions that result in substantial impairment of the abundance and diversity of species.
- (e) Wetlands
  - (v) The Commission may adopt a "wetlands" classification based on the functions of the wetlands in question. Wetland functions that may warrant site-specific protection include ground water recharge or discharge, flood flow alteration, sediment stabilization, sediment or other pollutant retention, nutrient removal or transformation, biological diversity or uniqueness, wildlife diversity or abundance, aquatic life diversity or abundance, and recreation.